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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,696	09/22/2000	H. Stephen Berger	00 P 7914 US	2334

7590

01/02/2004

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

ELALLAM, AHMED

ART UNIT	PAPER NUMBER
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2662

2

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,696

Applicant(s)

BERGER ET AL.

Examiner

AHMED ELALLAM

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 10, line 22, numeral character "106" has a typo error.

Appropriate correction is required.

Claim Objections

2. Claim 7 is objected to because of the following informalities:

In claim 7, the limitation "the plurality of user devices" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 7, 8, 12-14, 16, 17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Storch et al US (6,307,853).

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Regarding claim 1, with reference to figure 6, Storch discloses a communication system configured for routing calls from terminals 150 to PSTN 200 or WIDE AREA DATA NETWORK 300 (WADN) comprising:

A PBX in communication with at least PSTN or WADN, (reads on a hub in communication with at least one circuit switched channel, at least one packet switched channel, and a plurality of user devices);

A TDR 402 (telephony-to-data re-routing system), comprising an inbound interface (processor) that determines that the call should be re-routed back through the PBX 401 to the PSTN 200 or to the WADN. See column 8, lines 25-45. (Reads on a controller operable to select one of the circuit switched channel and the packet switched channel for connection with one of the user devices);

The PBX is programmed to route calls to TDR 402 or PSTN, see column 5, lines 4-9. (Reads on routing device operable to route the call from the user device to the selected channel).

Regarding claims 2 and 14, Storch discloses that the PBX can be configured to attempt a call to the PSTN 200, determine that the call receiver's telephone device 160 is not available (e.g., busy or no answer telephony condition), and only then re-route the call over the WAN 300. See column 7, lines 3-7. (Reads on the controller is configured to select the circuit switched channel if available as in claim 2 and selecting the circuit switched channel if available as in claim 14).

Regarding claims 3 and 16, Storch discloses the TDR can be configured to select the channel based on cost of the call. See column 3, lines 1-9.

Regarding claims 4 and 17, Storch discloses that channel selection can be based on the status of the user placing the call. See column 7, lines 41-48.

Regarding claim 7, with reference to figure 6, Storch discloses telephone devices 151-153. (Reads on the system comprising a plurality of user devices).

Regarding claims 8, 19 and 20 with reference to figure 3, Storch discloses that telephone devices can be any telephone devices, including telephones, fax machines, and video workstations.

Regarding claim 12, with reference to figure 6, Storch discloses a communication system configured for routing calls from terminals 150 to PSTN 200 or WIDE AREA DATA NETWORK 300 (WADN) comprising:

A PBX in communication with at least PSTN or WADN, (reads on a hub in communication with at least one circuit switched channel, at least one packet switched channel, and a plurality of user devices);

A TDR 402 (telephony-to-data re-routing system), comprising an inbound interface (processor) that determines that the call should be re-routed back through the PBX 401 to the PSTN 200 or to the WADN. See column 8, lines 25-45. (Reads on means for selecting one of the circuit switched the packet switched resources for connection with one of the user devices);

The PBX is programmed to route calls to TDR 402 or PSTN, see column 5, lines 4-9. (Reads on means for routing a call from the user device to the selected resource).

Regarding claim 13, with reference to figure 6, Storch discloses a communication system configured for routing calls from terminals 150 to PSTN 200 or WIDE AREA DATA NETWORK 300 (WADN) comprising:

Receiving a call request at PBX in communication with at least PSTN or WADN, see column 5, lines 22-52. (Reads on receiving a call request at a communication system coupled to at least one circuit switched channel and at least one packet channel);

A TDR 402 (telephony-to-data re-routing system), comprising an inbound interface (processor) that determines that the call should be re-routed back through the PBX 401 to the PSTN 200 or to the WADN. See column 8, lines 25-45.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 6, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Storch in view of Regnier, US (6,345,047).

Regarding claims 5 and 6, Storch discloses substantially all the limitations of the parent claim 1, except it doesn't disclose that the communication media for the PSTN and data channels is an XDSL line.

However, with reference to figures 13 and 14, Regnier in the same field of endeavor, discloses an XDSL line in connection with C.O (Central office) from a plurality of users (370, 350).

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to enable the users of Storch to be connected to the PBX using the XDSL line of Regnier so that higher bandwidth can be provided to the system of Storch.

Regarding claim 10, Storch discloses substantially all the limitations of the parent claim 7, except it doesn't disclose that a user device is configured to utilize voice over Internet protocol.

However, with reference to figure 14, Regnier discloses in the same field of endeavor, a method/and or system in which a computer implementing VoIP protocol is used in an environment implementing alternate routing. See column 8, lines 35-35-67.

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to enable the users devices of Storch to have the VoIP feature taught by Regnier so that long distance calls can be carried out using the Internet.

Regarding claim 15, Storch discloses substantially all the limitations of the parent claim 13, except it doesn't disclose that establishing a voice channel over the packet switched comprises utilizing voice over Internet protocol.

However, with reference to figure 14, Regnier discloses in the same field of endeavor, a method/and or system in which a computer implementing VoIP protocol is used in an environment implementing alternate routing. See column 8, lines 35-35-67.

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to enable the users devices of Storch to have the VoIP feature taught by Regnier so that long distance calls can be carried out using the Internet.

7. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Storch in view of Haskal, US 2001/0036172.

Regarding claim 9, Storch discloses substantially all the limitations of the parent claim 7, except it does not disclose that the user device is a wireless device.

However, with reference 3, Haskal discloses a communication system implementing alternate routing in which a wireless user device 116 is used.

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to enable the system of Storch to use the wireless alternate routing method/system taught by Haskal so that alternate routing can be implemented to wireless devices.

Regarding claim 21, Storch discloses substantially all the limitations of the parent claim 13, except it does not disclose that the user device is a wireless device.

However, with reference 3, Haskal discloses a communication system implementing alternate routing in which a wireless user device 116 is used.

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to enable the system of Storch to use the wireless alternate routing method/system taught by Haskal so that alternate routing can be implemented to wireless devices.

8. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Storch in view of Wellard et al, US 6,510,219).

Regarding claim 11, Storch discloses substantially all the limitations of the parent claim 1, except it does not disclose dynamic switching between packets switched and circuit switched channel.

However, Wellard discloses in the same field of endeavor dynamic switching of the same call between circuit-switched and packet switched channel. See column 2, lines 59-67 and column 3, lines 1-15.

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to provide the method/system of Storch with the dynamic switching feature of Wellard so that a minimum quality of serviced for the call can be maintained.

Regarding claim 22, Storch discloses substantially all the limitations of the parent claim 13, except it does not disclose switching from the selected channel to the other of the circuit switched channel and packet switched channel.

However, Wellard discloses in the same field of endeavor dynamic switching of the same call between circuit-switched and packet switched channel. See column 2, lines 59-67 and column 3, lines 1-15.

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to provide the method/system of Storch with the dynamic switching feature of Wellard so that a minimum quality of serviced for the call can be maintained.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Storch.

Regarding claim 18, Storch discloses substantially all the limitations of the parent claim 13, except it doesn't disclose notifying a user when a circuit channel becomes available.

However, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to implement circuit switched availability in Storch' system so that Storch users will have the option of either continuing the calls on the packet switched network or switch to PSTN circuit for better service quality.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Frantz, US (6,167,043); Chinni et al, US (6,205,135); Wu et al, US (6,480,581); Elliot, US (6,487,197); Frankel et al, US (6,639,913).

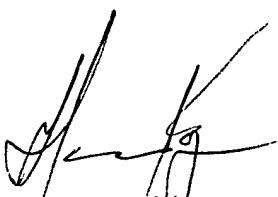
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (703) 308-6069. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AHMED ELALLAM
Examiner
Art Unit 2662
December 24, 2003


HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
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